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Held at Headquarters, New York,
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President: Mr. SHIHABI (Saudi Arabia)

later: Mr. NYAKYI (United Republic of Tanzania)
(Vice-President)

- Report of the Security Council
- Revitalization of the work of the general system: draft resolution
- Law of the Sea
  (a) Reports of the Secretary-General
  (b) Draft resolution

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 11

REPORT OF THE SECURITY COUNCIL (A/46/2)

Mr. RAZALI (Malaysia): The Malaysian delegation is participating in this debate, partly because the first part of the Security Council's report (A/46/2) covers the period when Malaysia was still a member of the Security Council and also because this is an important occasion, providing as it does a rare opportunity for an interaction between the Security Council and the General Assembly. The interaction should also be utilized to underline the need for transparency, accountability and democratic practice within the United Nations system. This is all the more important because it involves the issue of the maintenance of international peace and security and the performance of the Council, the organ of the United Nations that deals with such issues, and because of Article 24 of the Charter, which makes the Council accountable to the general membership of the United Nations. The Malaysian delegation believes that as many countries as possible should in fact participate in this debate.

My delegation had considered it a privilege and an honour to have been elected to the Council from January 1989 to December 1990, after having been away from the Council for 26 years. During the two years in the Council my delegation took its work very seriously and with the highest sense of responsibility. We were mindful of our duty, in that we represented not only our national entity but also the larger constituency, the Asian region, the Non-Aligned Movement and others. We consider ourselves fortunate to have served in the Council during a watershed period in the history of the United Nations.

(Mr. Razali, Malaysia)

The dramatic changes that have been swirling around us for the last two years provide a suitable backdrop to consider the work of the Security Council. These changes have both positive and negative effects. On the ground, parts of Europe are undergoing traumas that revive serious conflicts resulting in disruption, deaths, movements of refugees and the redrawing and contraction of countries even as human rights and freedom sweep across the area.

Decisions taken in the Council have become part of, and have affected, the unfolding of events and issues relating to peace and security. We are witness to a situation in which the United Nations, because of its enhanced role, has been drawn into a vortex of events and issues, straining its capacity. While it can be said that addressing these issues enhances the role of the Council, it cannot be concluded that all actions arising from the discharge of that role have been to the good; for example, there was much reason to be anxious about the motivation and the disproportionality of action in the Gulf crisis.

The Security Council report before us in the period under review has catalogued only the decisions taken, but there was much dilemma and agony over taking the right decision and determining the right course of action. The report is a bare compendium of decisions, without portraying the drama and circumstances behind those decisions. I do not believe anything much can be done about this, but the general membership must seriously reflect on, or at least be made privy to, how the Council operates in taking such fateful decisions. This is vital in the context of the increasing role of the Council and the fact that the so-called balance established between the Permanent Five

(Mr. Razali, Malaysia)

since the Second World War is no longer operational, due to the contracting role of one major Power.

The dilemma before the United Nations is that while agreement between the Permanent Five in the Council removes obstacles and facilitates the settlement of political and security disputes, as in the cases of Namibia, Iraq-Iran, Angola, Western Sahara and Kuwait, the momentum behind this push to solve issues, if not properly checked and circumscribed by a process of accountability and proper procedures, may prove to be the undoing of the Security Council itself, if only one Power or one group of Powers should take control of decision-making. As an example, the enforcement of Security Council resolution 678 (1990) has raised many unsettling questions. The Secretary-General in his report of 6 September 1991 on the work of the Organization (A/46/1) accurately described the situation, as follows:

> "Another important aspect is that the enforcement action was not carried out exactly in the form foreseen by Articles 42 et sequentia of Chapter VII. Instead, the Council authorized the use of force on a national and coalition basis. In the circumstances and given the costs imposed and capabilities demanded by modern warfare, the arrangement seemed unavoidable. However, the experience of operations in the Gulf suggests the need for a collective reflection on questions relating to the future use of the powers vested in the Security Council under Chapter VII.
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> "In order to preclude controversy, these questions should include the mechanisms required for the Council to satisfy itself that the rule of proportionality in the employment of armed force is observed and the rules of humanitarian law applicable in armed conflicts are complied

(Mr. Razali, Malaysia)

with. Moreover, careful thought will have to be given to ensuring that the application of Chapter VII measures is not perceived to be overextended. In today's conditions of economic interdependence, the effect of the imposition of comprehensive economic sanctions on third States that are economic partners of the offender State requires that Article 50 of the Charter be supplemented by appropriate agreements creating obligations to assist concretely the disadvantaged third State or States. The human effect of sanctions on the population of an offending State, if it lacks the political means to bring about a reversal of the policy that gives rise to the offence, will also need to be carefully borne in mind. As I stated at meetings of the Security Council, enforcement is a collective engagement, which requires a discipline all its own." (A/46/1, pp. 6-7 (chap. IV))

As the Secretary-General further argued in his report, given a volatile world situation the only available course is to organize international life on a stable basis in accordance with principles clearly understood, generally accepted and consistently applied. The Security Council must certainly be the body of the United Nations to manifest these principles clearly. The United Nations must seriously consider how, in providing collective enforcement measures to the Security Council, the general membership is still able to ensure that decisions and actions of the Council are accountable to the general membership. My delegation does not accept the much-touted defence that the Security Council is master of its own procedures and rules. There is clearly a need for the future to reconstruct the concept of collective enforcement action into a workable and effective system of collective security within the framework of Chapter VII of the Charter.

(Mr. Razali, Malaysia)

Another important lesson learned from the Gulf crisis is that the destructive power of modern technology and weapons makes war as a means of resolving conflicts, even within the United Nations framework, one which carries too high a toll in human and material terms. It must now be the primary objective of the Security Council, together with the General Assembly, to give top priority to establishing a mechanism of preventive diplomacy and to encourage the pursuit of the settlement of disputes by peaceful means. Such a mechanism must include an early warning system, coupled with a proactive role on the part of the Secretary-General and the Security Council, so that they can be involved in crisis situations early enough and act quickly to prevent the outbreak of conflicts. In this regard, the Secretary-General should have the confidence and support of the Council and General Assembly in carrying out his good offices without constraints so that the United Nations potential as an instrument for peace may be developed to the fullest extent.

In my statement last year I expressed my delegation's concern that, while close cooperation between the five permanent members was essential to the effective functioning of the Security Council, there was a tendency among the Five to confine much of the substantive work within themselves, turning the Permanent Five into some kind of exclusive club, with the predominant influence of one member. At a time when the reform process within the United Nations seeks to encourage transparency, accountability and democratic practices in decision-making, and when there is increasing expectation of the Security Council's being able to address conflicts more effectively, the permanent members have a special responsibility not to work as an exclusive club.

(Mr. Razali, Malaysia)

Not only should there be open discussions within the Council, but on more important issues of war and peace the views of the broad membership of the United Nations should be taken into account; in the spirit of Article 24 of the Charter. The tendency to close deliberations of the Security Council from the rest of the general membership cannot be defended under most conditions. It is also noted that meetings of the Council have become increasingly short, giving the idea that business has been done earlier and elsewhere, to the exclusion of the general membership.

During this defining moment in the history of the United Nations, we all wish to see the Security Council effective and universally respected for its integrity. In this respect, there is a need for the Council to address questions of international peace and security on an equitable basis and not on the basis of selectivity at the choosing of some members of the Council. The Palestinian issue has been a casualty of this situation, for example.

(Mr. Razali, Malaysia)

The ongoing reforms and revitalization of the United Nations system have to take into account the significant changes taking place in the international system, particularly the growth of the membership of the United Nations from 40-odd countries when the Organization was founded in 1945 to 166 countries today. The ongoing reform process must soon also involve the Security Council in a way that would not only reflect a more equitable geographical representation but also contribute to the strengthening of the democratization process within the United Nations system. The Council cannot continue to be the vestige of decisions taken by the victorious Powers after the Second World War.

There is overrepresentation of Europe. At this moment, there are three permanent members and three non-permanent members of the Council from Europe. Surely this raises the question of serious overrepresentation and the effete perpetuation of a situation that is anachronistic and beyond defence or rationalization, especially given the changes that have taken place, including the contraction of one permanent member and the emergence of many criteria for considering other countries in other regions which can more equitably and democratically represent the reality of today and tomorrow.

Even the veto powers must now come under examination. In all frankness, it is difficult to countenance one or two of the Permanent Five still retaining their veto powers given present developments. Also, the history of the application of the veto has been tarnished by veto actions taken purely in defence of partisan and national interests, not in defence of issues and principles.

Mr. ALARCON DE QUESADA (Cuba) (interpretation from Spanish): The item now under consideration by the General Assembly is one that has been imposed upon our agenda, not because it was requested by any Member State or group of States, but because the obligation to consider it comes to us from clear and repeated stipulations of the San Francisco Charter. Article 15 of the Charter clearly states that the General Assembly shall receive and consider annual and special reports from the Security Council, while Article 24 refers to the Council's obligation to submit annual and, when necessary, special reports on its activities to this Assembly.

This is therefore an item which any outside observer of the Organization would assume to have the highest priority and to be deserving of the greatest attention, since it relates to an obligation dating from the very foundation of the Organization and bears directly upon other clear definitions in the Charter conferring special responsibilities upon the General Assembly. One of those responsibilities is set down in Article 10 of the Charter, which authorizes the General Assembly - and only the General Assembly - to discuss any questions or any matters relating to the powers and functions of any organs provided for in the Charter. Article 24 clearly points out that the Security Council carries out its duties under a responsibility entrusted to it by Members of the United Nations so that it may act on their behalf.

Anyone reading these texts and observing us from the outside would assume that there could be few items in a regular session of the General Assembly that require such preparation, intellectual effort and preliminary discussion in this Hall as the item now before us. However, the history of the Organization appears to suggest quite the opposite.

(Mr. Alarcon de Quesada, Cuba)

The General Assembly receives a voluminous document which, upon the insistence of certain members of the Security Council, continues to be identified with the report referred to in the Charter. In fact, it is really nothing more than a compendium of what we all know in advance of receiving it. We all realize that there can be few who will have engaged in the laborious and confusing task of reading it, since it merely contains a list of decisions and resolutions adopted or considered in formal meetings by the Council in a period expiring on 15 June. Thus, the General Assembly will not learn - at least officially - of the Council's activities during the late summer and through the autumn until December 1992, when it will receive another compendium of documents which we have all already received at our respective diplomatic missions throughout the period allegedly covered by the document.

In our opinion, the first thing that we, as members of the General Assembly, should do is to consider what kind of report we need in order to be able to fulfil the responsibility entrusted to us by the Charter, and what measures, changes or opinions should be stressed before the General Assembly in order for that information to be in line with the obligations and requirements of the Council. The Council must be able to report on and account for its work and the Assembly must then be able to give serious consideration to the Council's work. We also believe that this should be a responsibility of the members of the Security Council.

(Mr. Alarcon de Quesada, Cuba)

I must say that my delegation, based on these criteria, tried to get the Security Council to take up the matter. We put to the other members a proposal we thought in no way excessive: the establishment of a Security Council working group to revise the way in which the Council reports to the General Assembly and to consider possible ways to improve the way in which the Council fulfils that responsibility. That was among a number of proposals we submitted to the Council last July; it therefore does not fall within the period that, for reasons someone - but not my delegation - must know, is covered by the present report. The events of July 1991 will be brought to the notice of the General Assembly only towards the end of the next session: in December 1992.

Of course, it would be naive to think that our proposal and what the Council in its wisdom decided to do or not to do about it will be reflected in next year's Security Council report. I am certain that the Assembly will learn nothing about the proposal, about what happened to it or about why the Council decided to act in the way it did. Why should that be? Because, despite its enormous size, this report does not say a single word about the bulk of the Council's real activities. In fact, over the past few years the Council has devoted more and more time to meetings and encounters for which no provision is made in the Charter or in the Council's provisional rules of procedure - meetings not reflected in its report to the General Assembly. I am referring to so-called informal consultations. I challenge anyone to track down a single reference to that peculiar procedure in the voluminous report before the Assembly.

More than one international problem, more than one request by a member of the General Assembly has been considered - or, to be generous, "dealt with" -

(Mr. Alarcon de Quesada, Cuba)

by means of that contrived procedure for which the Council is not accountable, a procedure that enables the Council not to fulfil its mandate to report to the Assembly in such a way that the Assembly will have at least some idea of what the Council actually did during the reporting period - and of what it failed to do.

In July we made some impressive gains. We succeeded in ensuring at least some progress on what has been called transparency in the affairs of the Council - and all speakers on the item yesterday and today referred to this aspect. Thus, from today's Journal members of the Assembly can learn that later this morning there will be closed Security Council consultations of the whole and that a formal meeting will be held this afternoon. Still, we were unable to achieve what was regarded as an excessive request: an indication in the Journal of the subject of informal consultations, or for that matter of formal meetings. Nothing in the rules of procedure or the Charter bars us from revealing such "secrets", so I wish to announce the subject of the consultations the Council will be holding shortly - not at the announced time, of course, since if members of the Council are consistent in any way it is with respect to never starting any meeting less than an hour late. The Council will conduct very private, very discreet consultations on a peace-keeping operation and on possible changes in its financing.

At that private, closed meeting fleetingly referred to in the Journal, decisions could be taken involving additional financial responsibilities for all members of the General Assembly. Yet Assembly members cannot even learn what the 15 distinguished members selected to take decisions on their behalf decide about whether or not there are to be additional assessments.

(Mr. Alarcon de Quesada, Cuba)

That is an example of the kind of thing my delegation views as inadmissible: that the activities of a principal organ of the United Nations should move along unknown paths, using methodology not provided for and making it impossible for the rest of the Organization's membership even to learn the subject of a given meeting. That is particularly inadmissible for a body that has a clear Charter obligation to report to the General Assembly, which in turn has the obligation to receive the report, consider it and take action on it in accordance with the wishes of the majority.

Ambassador Razali of Malaysia touched on one consequence of the situation in the Council, with which my delegation too has had experience. It relates to the question of Palestine. A few weeks from now, my country's term as a non-permanent member of the Security Council will expire, bringing to an end 24 months of activity on a body where we have had a variety of experiences on the ques_ion of Palestine, and particularly on the question of the settlement of foreign settlers in the occupied territories.

That was the first matter we faced when we joined the Council; the first request for the Council to consider an international problem. We spent 24 months witnessing the Council's inability to take any meaningful action on that subject.

(Mr. Alarcon de Quesada, Cuba)

During that period, in this same room, my delegation together with a great majority of the members of the Assembly, voted on more than one resolution of the General Assembly which receives the report of the Security Council and has the authority, under the Charter, to review its activities, omissions and methods and to request it urgently to consider that same subject and adopt appropriate decisions.

It is clear that, especially in the recent past, a situation has emerged which is at variance with what is clearly set forth in the Charter and which has a severe impact on the functioning of the Organization. It should be first on the list of priorities when the General Assembly considers aspects of our work aimed at promoting greater efficiency and a higher quality in our activities.

It is our view that it is very appropriate for the General Assembly to consider and explore ways and means of improving its activities, but it must begin to do so by giving serious and thorough consideration as to how it can meet, in the best possible way, the obligations conferred upon it by the Charter, especially in so far as concerns its relations with the other principal organs of the United Nations.

For example, my delegation feels that it would not be unduly complicated for the Assembly to tell the Security Council certain things about ways in which the Assembly would be better able to consider the report of the Security Council now before it. There has been much discussion about the reasons why the annual report runs from June to June, creating a situation such as that mentioned by Ambassador Razali, who was referring to a period during which he was a member of the Council until his term ended nearly a year ago. The same

(Mr. Alarcon de Quesada, Cuba)

will be true of me a year from now. Last year, I considered the report covering a period during half of which my country had not been a member of the Council. There may be very compelling reasons and there are oral traditions in the Council - legends as it were - which are passed on orally through which we non-permanent members have found out that there are certain reasons for the cut-off date of 15 June and not a time closer to the meeting of the General Assembly.

I wonder, however, whether the information is complete in June and whether it can truly be reduced to a compendium of publicly known documentation. Is it essential that the report should reach us just before the Assembly completes its work for the year? Does it mean that a document covering a period ending on 15 June cannot be considered by the Council during the rest of the summer before the start of the General Assembly or that it could not be submitted to us at the beginning of each session of the General Assembly? Elementary common sense requires that it should be.

A contrary argument is that the period covered by the report should end closer to the opening of the General Assembly. Among those legends transmitted by oral tradition, one is that the report only runs to 15 June. The other argument is that it is provided to members of the Council in a very discreet manner, a very confidential document. It is submitted to us in the autumn and we meet again - of course in secret - in order to adopt it without any further discussion after the beginning of the General Assembly. And the General Assembly, through custom and practice, agrees that we should consider it now, at the very end of the annual work of the Assembly, when it is

(Mr. Alarcon de Quesada, Cuba)

difficult to assume, even theoretically, that this principal organ is going to make any real recommendation about the information in the report now before us.

It should be the reverse. If the report can only cover the period up to mid-June, the Security Council should meet in the summer - in July - and adopt its report. We are not convinced that that meeting of the Council should necessarily be secret because its purpose is to adopt a report which later is to be sent to and considered by the entire membership of the Organization. However, if that important tradition of secrecy needs to be preserved, the members of the Council should meet privately but at a time that would enable the Assembly to meet its responsibilities to a minimum extent. At any rate, I believe that the General Assembly should impose a limit - say, the beginning of September - by which the relevant information should be submitted to all members of the General Assembly so that we can, at an earlier stage in our work, exchange views on the activities of the Council, on what it did or did not do. We could state our views and the Security Council, under the terms of the Charter, could have the minimim courtesy, at least theoretically, to meet while the General Assembly is still in session and consider giving some thought to or, more likely, ignoring the recommendations and views of the General Assembly. But since we have to concern ourselves with appearances, we are disheartened to find ourselves now taking part in an annual exercise in which the General Assembly is practically winding up its activities by the time it receives this report and is virtually incapable of doing anything with it.

(Mr. Alarcon de Quesada, Cuba)

I call upon the Members of the Organization to give the most serious thought to this question, I suggest that we do so within the framework of our consultations which are motivated by the desire of many delegations to improve the efficiency of this principal organ and to establish better conditions for our work. We should not continue with our perfectly legitimate concerns on ways of improving our work, without first beginning a thorough review of the way we are fulfilling one of the most important obligations conferred upon the Assembly by the San Francisco Charter. Not to do so would mean a serious failure on our part to live up to our responsibilities. It would do nothing to strengthen, to revitalize or to improve the workings of the General Assembly. It is obviously necessary for us to work on these relatively important issues but we would fail in our duty if we were to do so without considering the manner in which the General Assembly fulfils its fundamental responsibility.

Mr. ARUJO CASTRO (Brazil): Yesterday we had a useful and timely debate on the "Question of equitable representation on and increase in the membership of the Security Council". Many of the issues addressed by speakers related to the need seriously to consider the future structure and functioning of the Council as they should reflect the new realities evolving in the international scene.

Today, as the General Assembly considers the report of the Security Council, in conformity with the mandate given it in Articles 15 and 24 of the Charter, I should like briefly to address a few questions related to the present functioning of the Council.

The members of the Security Council deserve the recognition of the General Assembly for the work they have accomplished during the past year, a period in which so many momentous and extremely complex issues were brought to the attention of our Organization.

The fact that the Security Council has gained new vitality in the wake of the demise of the cold war is in our view a very auspicious development. We have witnessed a new disposition for constructive dialogue among the members of the Council, more political will for flexibility and accommodation, more determination for prompt and effective action.

In fact, in accordance with Article 24, paragraph 1, of the Charter, it was precisely "to ensure prompt and effective action" by the Organization that the whole membership of the United Nations decided to "confer on the Security Council primary responsibility for the maintenance of international peace and security". It was also agreed that "in carrying out its duties under this responsibility the Security Council acts on ... behalf" of the Members of the United Nations.

(Mr. Arujo Castro, Brazil)

On the one hand, one of the reasons for the delegation of powers to the Security Council was to ensure effectiveness of action. On the other hand, in acting on behalf of all the Members of the United Nations, the Council is responsible for adequately representing their collective will.

In this respect, many relevant observations were made yesterday concerning the question of the representative nature of the Security Council. Today my remarks focus on the question of the accountability that should derive from such representation.

In exercising their responsibilities under the Charter, the members of the Security Council must obviously engage in intense consultations among themselves, for such consultations are an essential part of parliamentary decision-making procedures. But we believe that no less important is the need to listen to the wider membership of the United Nations in order adequately to ascertain and reflect the sense of the majority, if not the consensus, of the international community.

In this regard, my delegation views with some concern the recent trend towards formal adoption of important resolutions and decisions by the Security Council at very brief meetings, which are convened at short notice and in which non-members of the Council are not given the opportunity provided for in Article 31 of the Charter to participate directly in the discussion of questions brought before the Council.

In several instances the resolutions thus adopted deal with very sensitive political questions that, directly or indirectly, affect the legitimate interests of a wider group of countries. They also frequently entail a heavy financial burden to Members of the Organization, as reflected in the increasing number and size of peace-keeping operations.

(Mr. Arujo Castro, Brazil)

Means should be devised to keep Members informed of the activities of the Security Council on a regular and timely basis. It would be unfortunate if the impression were given that Member States of the United Nations had less access than the media to information on certain aspects of the work of the Organization.

A minor but also relevant point concerns the need for timely and adequate notification about the meetings to be held by the Security Council. In particular, ways should be devised to inform non-members of the Council promptly and efficiently of the convening of unscheduled meetings of the Council.

As the role of the United Nations in the maintenance of international peace and security grows, through its activities of peace-keeping, peace-making and peace-building, it becomes all the more necessary to intensify and broaden the process of dialogue and consultation between the Security Council and the General Assembly. The effectiveness and the prestige of the United Nations in this new era should be predicated on the international community's perception of the equitable character of the Organization's aims and practices. In this connection, we believe it would be useful if all Members of the United Nations were to engage in an exchange of views and ideas on ways and means to strengthen the Organization further by promoting a greater degree of cooperation among its principal organs.

The PRESIDENT (interpretation from Arabic): May I take it that the General Assembly takes note of the report of the Security Council (A/46/2)?

It was so decided.

The PRESIDENT (interpretation from Arabic): That concludes our consideration of agenda item 11.

AGENDA ITEM 144

REVITALIZATION OF THE WORK OF THE GENERAL SYSTEM: DRAFT RESOLUTION (A/46/L.45)

The PRESIDENT (interpretation from Arabic): I have been holding wide-ranging consultations for some time now with members, who are aware of all aspects of the draft resolution before us now. I hope that we shall be able to adopt it by consensus.

I should like to mention that nothing in the draft resolution being presented should be interpreted as limiting or excluding the choice of a distinguished candidate, especially the foreign ministers who may occupy the presidency of the General Assembly. In my view, this statement - which will be fully reflected in the records of the General Assembly - should complement the draft resolution that is to be adopted.

I should also like to mention in regard to the financial implications of the draft resolution that the Secretary-General has informed me that if the General Assembly adopts draft resolution A/46/L.45, the consultations provided for in paragraph 2 of the draft resolution will be within the terms of its paragraph 3.

May I take it that the General Assembly decides to adopt draft resolution A/46/L.45?

Draft resolution A/46/L.45 was adopted (resolution 46/77).

The PRESIDENT (interpretation from Arabic): The drafting of this resolution and the reaching of a decision has been a rather long process. I should therefore like to take this opportunity to congratulate the Assembly on the decision that has just been adopted, which is a major step in the right direction.

AGENDA ITEM 36

LAW OF THE SEA

(a) REPORTS OF THE SECRETARY-GENERAL (A/46/722, A/46/724)

(b) DRAFT RESOLUTION (A/46/L.44)

The PRESIDENT (interpretation from Arabic): I should like to propose that the list of speakers in the debate on this item be closed today at 12 noon. If I hear no objections, it will be so decided.

It was so decided.

The PRESIDENT (interpretation from Arabic): I therefore request those representatives wishing to participate in the debate to inscribe their names on the list of speakers as soon as possible.

I now call on the representative of Cape Verde who, in his capacity as Chairman of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, wishes to introduce the draft resolution in the course of his statement.

Mr. JESUS (Cape Verde), Chairman of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea: As is well known, the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea started its work in 1983. Over the last nine years or so, much of its work in drafting rules, regulations and procedures has been accomplished, and I venture to say that, had it not been for the practical problems that have saddled the Convention on the Law of the Sea since its adoption, we would have finished the work of the Preparatory Commission some years ago.*

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* Mr. Nyakyi (United Republic of Tanzania), Vice-President, took the Chair.

(Mr. Jesus, Chairman, Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea)

Not having been able as yet to deal with the issues related to the fundamental problems raised in part XI, the Preparatory Commission still has an arduous and difficult task to undertake. It might even prove to be an impossible task if one were to persist in addressing in detail all the pending issues, the substantive solution of which cannot be found for the time being, for such a solution has to be premised on data and events not yet known to us.

As I put it elsewhere,

"the problems that we face today in part XI were born out of assumptions made in past negotiations that have proved, only 10 years later, to be at odds with today's realities. We should therefore learn the lesson and exercise restraint in attempting to find solutions today for the seabed mining system on the basis of assumptions that might most likely prove to be in contradiction with the facts and realities of tomorrow's world".

I believe that we must redirect the focus of our work in the Preparatory Commission against this background and attempt to strike an agreement - a framework agreement. Such a framework agreement, the format and the substance of which I have dealt with in some detail in other forums, seems to be the only approach available to us in order to overcome the impasse in which we find ourselves.

I believe it is high time for us to concentrate our efforts in those areas where agreement can be found. It is important that an agreement be

(Mr. Jesus, Chairman, Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea)

found in the next two years before the entry into force of the Convention if it is to be the legal instrument of universal application that it was meant to be.

The draft resolution submitted this year on this issue contains provisions that, if not derailed in their implementation, can assist the Preparatory Commission in finalizing with some degree of success its work as soon as possible.

On behalf of Australia, Barbados, Belarus, Brazil, Cameroon, Canada, Chile, Fiji, Finland, Ghana, Guinea-Bissau, Indonesia, Jamaica, Lesotho, Liberia, Malta, Mauritania, Mexico, Myanmar, Namibia, the Netherlands, New Zealand, Norway, Papua New Guinea, the Philippines, Portugal, Sierra Leone, Sri Lanka, Sweden, Togo, Trinidad and Tobago, Ukraine, Vanuatu, Zambia and my own country, Cape Verde, I have the honour to introduce the draft resolution contained in document A/46/L.44 on the law of the sea. This draft resolution is the result of open-ended consultations and it is, in the main, the same as the one adopted last year. I shall therefore save the Assembly's time by commenting only on the following changes and additions:

In the seventh preambular paragraph the Assembly would recall the expressions of willingness to explore all possibilities of addressing issues of concern to some States in order to secure universal participation in the Convention.

(Mr. Jesus, Chairman, Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea)

In the ninth preambular paragraph the Assembly would note the progress made in the Preparatory Commission, including the registration of pioneer investors and the designation of reserved areas for the Authority.

In the sixteenth preambular paragraph the Assembly would note with concern the use of fishing methods and practices, including those aimed at evading regulations and controls, which can have an adverse impact on the conservation and management of marine living resources.

In the seventeenth preambular paragraph the Assembly would consider the need for effective and balanced conservation and management of living resources, giving effect to the relevant provisions in the Convention.

In the eighteenth preambular paragraph the Assembly would take note of the activities carried out in 1991 under the major programme of marine affairs and the report of the Secretary-General, as well as of programme 10 in the medium-term plan 1992-1997.

In the nineteenth preambular paragraph the Assembly would take note of the Secretary-General's report.

In the operative part of the draft resolution, I underline the following:

In paragraph 2 the Assembly would express satisfaction at the increasing and overwhelming support for the Convention, as evidenced, inter alia, by the one hundred and fifty-nine signatures and fifty-one of the sixty ratifications or accessions required for entry into force of the Convention.

In paragraph 4 the Assembly would note with appreciation the initiative of the Secretary-General to promote dialogue aimed at addressing issues of

(Mr. Jesus, Chairman, Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea)

concern to some States in order to achieve universal participation in the Convention.

In paragraph 5 the Assembly would recognize that political and economic changes, including particularly a growing reliance on market principles, underscored the need to re-evaluate, in light of the issues of concern to some States, matters in the regime to be applied to the Area and its resources and that a productive dialogue on such issues involving all interested parties would facilitate the prospect of universal participation in the Convention, for the benefit of mankind as a whole.

In paragraph 6 the Assembly would call upon all States that had not done so to consider ratifying or acceding to the Convention at the earliest possible date to allow the effective entry into force of the new legal regime for the uses of the sea and its resources and call upon all States to take appropriate steps to promote universal participation in the Convention, including through dialogue aimed at addressing the issues of concern to some States.

In paragraph 10 the Assembly would recall the Understanding on the Fulfilment of Obligations by the first four Registered Pioneer Investors and their Certifying States adopted by the Preparatory Commission on 30 August 1990.

(Mr. Jesus, Cape Verde)

In paragraph 11 the Assembly would take note that negotiations on the fulfilment of the obligations had already been completed in respect of the pioneer investor registered in March 1991.

In paragraph 19 it would approve the decision of the Preparatory Commission to hold its tenth regular session at Kingston from 24 February to 13 March 1992 and to hold a summer meeting in New York in 1992.

In paragraph 22 the Assembly would request the Secretary-General to submit a special report to the General Assembly at its forty-seventh session on the progress made in the implementation of the comprehensive legal regime embodied in the United Nations Convention on the Law of the Sea, in the light of the tenth anniversary in 1992 of its adoption, and to take such action, in consultation with States, as may be appropriate to mark the occasion.

Lastly, this draft resolution does not contain the text that appeared as the twenty-third preambular paragraph of last year's resolution, on the financing of the expenses of the Preparatory Commission, since it was understood during the informal consultations that its elimination would not in any way jeopardize earlier decisions that such expenses shall be borne by the regular budget of the United Nations.

The following countries have joined in sponsoring the text: the Comoros, Costa Rica, Djibouti, Iceland, India, Madagascar, the Marshall Islands, Saint Lucia, Samoa, Singapore, the Solomon Islands, and Thailand.

On behalf of the sponsors, I commend this draft resolution to all delegations, in the hope that it will receive overwhelming support.

Mr. HATANO (Japan): I should first like to express my delegation's sincere gratitude to the Secretary-General's Special Representative for the Law of the Sea, Mr. Satya Nandan, and his staff for their dedicated efforts

(Mr. Hatano, Japan)

throughout the year. Their expertise and competence were manifest in the various meetings they organized and in the valuable bulletins, studies and reports they produced. My delegation appreciates particularly the Law of the Sea Bulletin and the Secretary-General's report (A/46/724) on the law of the sea for the useful and up-to-date information they provide on State practices and on developments in the area of the law of the sea. I am sure these documents, as well as the recently issued Bibliography on the Law of the Sea 1968-1988 (United Nations publication, Sales No. E/F 91.V.7), will prove to be a valuable resource for government officials and researchers working in this field.

I am also pleased to have this opportunity to pay a special tribute to Ambassador Jose Luis Jesus for his outstanding leadership as Chairman of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea. It is thanks in large part to the skilful manner in which he and the Chairmen of the four Special Commissions guided the efforts of their respective bodies that the work of the Preparatory Commission is now reaching its final stage. Most of the remaining issues will have to be considered in the light of the changes in conditions surrounding deep-sea-bed mining that have taken place since the Convention was adopted. These issues should therefore be examined in relation to efforts for ensuring the universality of the Convention. My delegation hopes that constructive and efficient discussions towards this end will be held during the spring session, which, I note, has been shortened by one week.

I would like to confirm that Japan and its pioneer investor intend to implement faithfully the "Understanding on the fulfilment of obligations by the Registered Pioneer Investors and their Certifying States", which was

(Mr. Hatano, Japan)

adopted by the Preparatory Commission on 30 August last year. In accordance with that understanding, the pioneer investor of Japan - together with the pioneer investors of France and the Soviet Union - completed the preparatory work for exploration of the mining area reserved for the Authority, and submitted their report to the Preparatory Commission last August. Japan also prepared a draft training programme and presented it to the Panel Meeting which was held during the summer session of the Preparatory Commission. Taking into consideration the suggestions made during the lively discussions at that meeting, and pursuant to a request by the Preparatory Commission, Japan will soon submit a revised training programme.

My delegation welcomes China's registration as a pioneer investor last spring and Inter-Ocean Metal's registration last summer.

In his statement before this body in 1989, the Chairman of the Group of 77 made a convincing argument for the importance of ensuring the universality of the Convention. Now the General Assembly has before it a draft resolution which gives clear expression to the common recognition by United Nations Member States of the need to re-evaluate Part XI of the Convention in view of the political and economic changes that have occurred since its adoption. Japan welcomes this recognition as an important step towards a realistic approach to ensuring the universality of the Convention.

I would also like to express my sincere appreciation to Secretary-General Perez de Cuellar for the initiative he took in establishing a dialogue in an effort to achieve this goal. My delegation is encouraged that the dialogue has completed a first round of examination of specific issues. I hope that the new Secretary-General, Mr. Boutros Ghali, will follow this same productive approach. Japan, for its part, is ready to extend full cooperation to ensure

(Mr. Hatano, Japan)

that the momentum engendered by the dialogue will continue to build.

Next year will be the tenth anniversary of the adoption of the Convention. I strongly hope that it will indeed prove to be a landmark in progress towards ensuring universality.

Mr. FORTIER (Canada): For the first time since the signing of the Law of the Sea Convention in 1982, some States which had not signed the Convention have undertaken not to vote against it. This is in itself a major accomplishment of this year's law of the sea draft resolution, which is about to be adopted.

As we know, the reason we have not been able to achieve this until now is not a reflection on the Convention as a whole, which remains one of the most significant developments in international law. The reason has been a much narrower one, involving the concerns of some countries with the Convention's seabed mining regime.

While these concerns have thus far prevented the universal acceptance of the Convention, they do not constitute an insurmountable obstacle. Thanks to the tireless efforts of the Secretary-General and his Special Representative, Mr. Satya Nandan, as well as the reasonable, constructive and far-sighted attitude of the international community as a whole, a dialogue is well under way to resolve outstanding concerns and thus facilitate universal participation in the Convention. The fact that the draft resolution this year will enjoy more support is a reflection of the progress already achieved.

This year's draft resolution, especially the seventh preambular paragraph, as well as paragraphs 4, 5 and 6, represents even more. In Canada's view, they are an endorsement for even more focused discussions, open to all States, to facilitate universal participation in the Convention.

Canada's position is abundantly clear. Concerns over the Convention's seabed mining regime need not hold up its universal acceptance. What is absolutely vital is that we agree on the principles that will govern the

(Mr. Fortier, Canada)

resolution of these concerns when seabed mining approaches commercial viability.

The most fundamental of these principles are already to be found in the Convention. They are the common heritage of mankind and the equitab]e exploitation of the resources of the Area for the benefit of all countries, particularly developing States. We must also add the commercial viability of the seabed mining regime and we have a framework that cannot fail to]ead to a viable and universally accepted seabed mining regime.

We should not rest on our achievements. We must seize this opportunity and resolve this issue as soon as possible, for we fear that if the opportunity we now have is lost the integrity of the Convention could be harmed beyond repair.

I turn now to the conservation and management of living resources in waters outside national jurisdiction.

The international community has, for some years now, expressed concern with respect to the living resources of the high seas.

The 1982 Law of the Sea Convention, for example, requires States to adopt measures for the conservation of the living resources of the high seas and to cooperate with each other in the conservation and management of such resources.

The 1987 report of the World Commission on Environment and Development spoke of the threat to living marine resources posed by over-exploitation, pollution and land-based development.

The Secretary-General, in his recently released report on the law of the sea, has underlined in eloquent terms the dimension of the issue and I quote:

(Mr. Fortier, Canada)

"The elaboration of the law of the sea regime for the rational management and conservation of high-seas living resources is now firmly inscribed on the international agenda. While this may be in large part attributable to the large-scale driftnet fishing issue, it is to be emphasized that this issue is but one symptom of the larger problems confronting world fisheries, within national jurisdiction and beyond. Another symptom is the reports of problems of overfishing by distant water fleets in the proximity of EEZs." (A/46/724, para. 130)

The living resources of the high seas have also been the focus of a large and growing number of regional organizations.

The General Assembly for its part took up this issue for the first time in 1989 when it adopted resolution 44/26, in which it expressed its concern regarding the use of fishing methods and practices that can have an adverse impact on the conservation and management of the living resources of the marine environment. This concern was further elaborated upon by the General Assembly last year when it adopted resolution 45/145 on the issue.

The law of the sea draft resolution before the General Assembly this year takes up this issue again and carries it further in a number of important respects.

The sixteenth preambular paragraph criticizes fishing methods and practices, such as vessel reflagging and inadequate surveillance, control and enforcement, aimed at evading the regulation and control of high seas fisheries.

The seventeenth preambular paragraph recognizes that the measures now in place to conserve and manage the living resources of the high seas are not

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effective and that they do not adequately implement the provisions of the Law of the Sea Convention.

Paragraph 21 calls on States to prohibit fishing methods and practices which can have an adverse impact on the conservation and management of the living resources of the high seas, and to take the measures required to give full effect to the applicable provisions of the Convention. This paragraph further calls on States to comply with the regimes established by regional fisheries organizations through effective monitoring and enforcement measures.

Effective conservation and management of fisheries is an ever more pressing issue. Literature published during the course of the last weeks alone has spoken of problems in the anchovy fishery off Peru, the pilchard fishery off Namibia and the tuna fishery off the Philippines, to mention only a few.

Overfishing by certain distant water fishing fleets off Canada's Atlantic coast, on the Grand Bank of Newfoundland, has caused serious depletion of stocks. It has resulted in a reduction of quotas for Canadians and contributed to the closure of 75 fish processing plants, as well as the loss of more than 5,000 fishing jobs in the last two years.

The paragraphs related to high seas fishing in the draft resolution we are about to adopt are important; they are a good start and they must be built on. Principles and measures must be developed that effectively implement the provisions of the Law of the Sea Convention with respect to the conservation and management of the living resources of the high seas. This is what this draft resolution calls for. The United Nations Conference on Environment and Development offers a unique opportunity to galvanize the international

(Mr. Fortier, Canada)

community to this end. This opportunity must not be lost. Canada and a broad coalition of other States will continue to work at that Conference for the acceptance of principles and practical measures that effectively conserve the living resources of the high seas not only for the benefit of those fishing today but also for the benefit of future generations.

Mr. PICKERING (United States of America): My Government has decided this year to change its vote and to abstain on this draft resolution. I should like to place this decision in perspective.

We are rapidly approaching the tenth anniversary of the adoption and opening for signature of the Third United Nations Convention on the Law of the Sea. In most respects the Convention represents a monumental achievement by the international community. In large measure it codifies pre-existing customary international law, but we cannot lose sight of the fact that the process of its negotiation and national actions anticipating and subsequently implementing its provisions have contributed to the emergence of many of its provisions as customary international law. Therefore, my country and the international community as a whole benefit greatly from its existence.

My Government shares the view of the Secretary-General that a remarkable degree of conformity exists in State practice with respect to the extent and exercise of national sovereignty and jursidiction. We welcome the action by many States to revise their laws and regulations to ensure conformity with international law. My Government has been active in supporting and promoting compliance with these provisions and in discouraging claims inconsistent with international law. We hope that other Governments will also reject illegal maritime claims, thereby assisting in maintaining a fair balance between the interests of coastal and maritime States.

Notwithstanding the success of the Convention in general, the international community failed to achieve a consensus on the issue of deep seabed mining. Disappointing as that failure may have been, it is perhaps understandable given the global political and economic environment of the time. Not only were great Powers engaged in intense strategic and political competition but two fundamentally opposed economic ideologies claimed wide

(Mr. Pickering, United States)

support. Western industrialized countries favoured free-market approaches while many developing countries viewed Government intervention as the key to their economic development and thus favoured command economic models. In addition, access to important strategic materials became a major concern following the oil shocks of the 1970s. Together with these factors, the perception that the deep seabed mining regime would be the prototype for addressing other global issues focused great attention on the subject.

Momentous political and economic changes have occurred since the Convention was adopted. A new environment has emerged in which strategic and political competition is giving way to greater cooperation. In the economic sphere equally dramatic change is in process. Democratic reform is being accompanied by free-market reforms not only in Eastern Europe but within the developing world as well. Latin America is a striking example. The economic reform programmes being pursued throughout the region have begun to reverse the economic stagnation and decline that characterized the last decade and a clear pattern of economic growth is beginning to emerge.

We have voted against the law of the sea resolution in the past because of its failure to acknowledge that many Governments have serious problems with the Law of the Sea Convention's regime to govern deep seabed mining, its praise for the Preparatory Commission's implementation of that regime, and its unqualified calls for early ratification. This year's draft resolution, however, departs from earlier resolutions in several important respects. Of greatest significance is its acknowledgement for the first time that political and economic changes, particularly growing reliance on market principles, underscore the need to re-evaluate matters in the seabed mining regime in the light of the issues of concern to some States. My Government views the

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changes in the draft resolution favourably and welcomes the changing attitudes which they reflect. We are gratified and pleased by the willingness of the sponsors of the draft resolution to acknowledge these significant points.

Therefore, we shall abstain rather than vote against this year's draft resolution. We do not vote in favour of the draft resolution because we wish to dissociate ourselves from its support for the activities of the Preparatory Commission in preparing for the entry into force of a seabed mining regime which we believe to be seriously flawed, and the unqualified calls for early ratification of the Convention. Our inability to vote in favour should not be seen as diminishing the significance which we attach to the changing attitudes reflected in the draft resolution. Nor should it be seen as prejudging our assessment of the informal discussions the Secretary-General has initiated.

My Government has fundamental objections to the seabed mining regime of the Law of the Sea Convention. Our participation in discussions hosted by the Secretary-General is for the purpose of assessing the attitudes of others regarding our objections to the Convention. Whether further activities are justified, and if so what form they may take, depends largely on the degree to which the discussions demonstrate a willingness to translate the new thinking alluded to in the draft resolution into the reality of a seabed mining regime that provides a secure and stable investment climate through reliance on market principles. Because my Government continues to support and promote the balance struck in the remainder of the Convention, it is my hope that a way can be found to achieve this transformation and through it the broader objective of a universally accepted Convention.

I should also like to take a moment to comment on the importance of the Convention with respect to the protection of the marine environment and its

(Mr. Pickering, United States)

resources. The Convention's provisions in this area should be the basis for major initiatives to deal with land-based sources of marine pollution, conserve high seas fishery resources, protect particularly sensitive marine areas and develop systems for the monitoring of the health of the world's oceans. By serving as the basis for such action, the Convention ensures that initiatives will be accomplished in a manner that accords with the international community's interest in navigation and overflight. For our part we remain heavily committed to this objective.

Once again I should like to point out that the United States does not view the call upon all States to safeguard the unity of the Convention as a limitation on either the right or the duty of all States to act in accord with those portions of the Convention which reflect customary international law.

In conclusion, let me express the deep appreciation of my Government for the efforts of the Secretary-General, as well as those of the Under-Secretary-General responsible for the law of the sea, in the critical area of advancing international law of the oceans.

Mr. HAJNOCZI (Austria): The Austrian delegation is pleased once again to have the opportunity to make a modest contribution to the debate on the highly important question of the law of the sea.

First of all, I wish to express our gratitude to the Office for Ocean Affairs and the Law of the Sea, and in particular to the Special Representative of the Secretary-General for the Law of the Sea, Under-Secretary-General Satya Nandan. The documentation before us impresses us, as usual, by its thoroughness. For Austria as a landlocked country, this documentation constitutes not only a necessary source of comprehensive

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information but also a valuable contribution to the ongoing discussions in general and to the deliberations in the General Assembly in particular.

We should also like to express our appreciation for the efforts of the Office for Ocean Affairs in advising and assisting States, at their request, with respect to the implementation of the Convention as well as for the compilation and publication of all relevant national and international legislation.

(Mr. Hajnoczi, Austria)

Austria notes with concern that national legislation does not always conform to the rules of the United Nations Convention on the Law of the Sea. Such developments may upset the delicate balance that has been established by the provisions of the Convention and that formed a basis for its acceptance by the land-locked and geographically disadvantaged States. It has to be noted that particularly the rights of those States, as laid down in the Convention, are not always fully reflected in national legislative acts.

Furthermore, my delegation considers it as a matter of concern that States are often tempted to rely only on those parts of the Convention that suit their interests. In the view of the Austrian delegation, such practice may disturb the equilibrium achieved by the Convention between conflicting interests of various States and therefore, in the long run, endanger its effectiveness.

Issues relating to the protection and preservation of the marine environment will be among the principal future challenges to the effective implementation of the Convention, which tries to establish a balance between the rights and freedoms of States, on the one hand, and effective protection of the marine environment, on the other.

In this context, I should like to express more particularly my delegation's concern with regard to the state of conservation and management of the living resources of the high seas. While the Convention provides a legal framework for collective action to ensure the sustainable management of the living marine resources of the high seas, all States do not seem to be sufficiently prepared to incur the duties deriving therefrom. The use of such harmful fishing practices as large-scale pelagic driftnetting and overfishing

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threaten the survival of certain living resources. In this context, my delegation welcomes the recent adoption by the Second Committee of a draft resolution calling for the full implementation of a global moratorium on large-scale pelagic driftnet fishing by the end of 1992. With that decision, the international community has taken an important step towards giving full effect to the relevant provisions of the Convention.

My delegation has drawn attention to the problem that some States, while benefiting from the achievements of the Convention, do not always seem sufficiently prepared to shoulder their duties deriving from it. At the same time, it must be noted that many developing countries are not in a position to benefit from their rights enshrined in the Convention owing to their lack of resources and necessary scientific and technological capabilities. We therefore wholeheartedly support the request made to such competent international organizations as the United Nations Development Programme, the World Bank and other multilateral funding agencies to intensify their financial, technological, organizational and managerial assistance to developing countries in this field.

The Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea has already resolved several difficult issues and has thereby laid a solid basis for further endeavours in this direction. In this context, I should like to refer to the great effforts that have been made to resolve the problems relating to pioneer investors. The Preparatory Commission has already been able to register six pioneer investors and to conclude the negotiations on the fulfilment of the obligations of five of those pioneer investors. The Understanding on the Fulfilment of Obligations by the first four Registered Pioneer Investors and

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their Certifying States adopted by the Preparatory Commission on 30 August 1990 is certainly a landmark in the history of its negotiations. It proves the problem-solving capacities of the Preparatory Commission with regard to the obligations of the remaining and future pioneer investors and emphasizes the important competence of that body with regard to the implementation of resolution II of the Third United Nations Conference on the Law of the Sea.

My delegation would, in this context, like to thank the Chairman of the Commission, Ambassador Jesus, for his outstanding contributions to the work of that body. His unrelenting and energetic efforts merit particular praise. I wish to assure him of the continued and wholehearted support of the Austrian delegation in carrying out his difficult task.

Nine years have now passed since the adoption of the United Nations Convention on the Law of the Sea. During those years the international order has undergone fundamental changes. The contest between two political and economic systems has given way to dialogue and, especially, to growing awareness of the crucial importance of market mechanisms for the benefit of mankind. These political and economic changes have influenced the ongoing efforts to arrive at a universally accepted regime to be applied in the area and its resources. The Austrian delegation is of the view that these efforts will be fruitful only if we try to create the conditions for an effective, market-oriented system that will be economically viable as well as environmentally sound and if we secure the acceptance of those States with advanced technical and financial capabilities to carry out activities relating to the exploration and exploitation of the resources in the area. A Convention that would not be adhered to by those countries would, in the view

(Mr. Hajnoczi, Austria)

of my delegation, remain a torso and could not realize the aspirations, which originally engendered its elaboration, to form a viable and equitable legal regime encompassing all the members of the international community for the benefit of humanity.

We will thus have to consider ways and means of re-evaluating the regime to be applied in the area and to its resources in a pragmatic and flexible manner, taking into account the changed political and economic circumstances that have occured since these provisions were drafted.

Since 1990 several rounds of consultations have been convened by the Secretary-General to address issues of concern to some States in order to achieve universal participation in the Convention. The Austrian delegation would like to thank the Secretary-General for this initiative which, in our view, has proved to be very helpful in assessing the main impediments to a universal participation in the Convention. We would like to include in our thanks the Representative of the Secretary-General, whose work has proved to be instrumental for the fruitful outcome of those consultations. Based on their result, it should be possible for a universal forum to address the issues identified and to try to find, in a spirit of compromise and based on the principle of consensus, a way to a universally acceptable regime for the area and its resources.

We welcome the present draft resolution on the Law of the Sea as an important step in the ongoing efforts to reach an effective and universal legal order of the seas. We hope that it will pave the way for a renewed and universal dialogue on the outstanding issues, a dialogue including all interested parties, be they signatories of the Convention or not and whether they be involved in current problem-solving efforts or not. The draft

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resolution indicates that the time may be ripe for such a universal effort to overcome the outstanding problems and, it is hoped, to arrive at the goal of universal participation in a comprehensive legal regime governing all maritime uses.

The coming year will mark the tenth anniversary of the adoption of the United Nations Convention on the Law of the Sea. It may also mark a new stage in the ongoing efforts to arrive at a universally accepted legal order of the seas. Austria is prepared to take part in and to lend its full support to any endeavour aimed at achieving that goal.

Mr. QUDOVENKO (Ukraine): The delegation of Ukraine participates in the debate on the agenda item "Law of the Sea" at each session of the General Assembly. However, it gives me special pleasure to address this high forum today, since this is the first opportunity for us to make a statement to the General Assembly in plenary meeting after the referendum of 1 December in Ukraine. On that day over 90 per cent of the ballots were cast in favour of Ukraine's independence. Thereby "The Act of Proclamation of Independence of Ukraine" promulgated by the Ukrainian Parliament on 24 August this year was ratified by the overwhelming will of the Ukrainian people.

On 30 September the General Assembly was addressed from this rostrum by Leonid Kravchuk, who has now been elected the first President of the independent Ukraine, and is thus the commander-in-chief of our armed forces.

In the appeal entitled "To Parliaments and Peoples of the World", which was adopted on 5 December 1991, the Verkhovna Rada of Ukraine stated:

> "Ukraine is building a democratic State based on the rule of law, whose immediate objective is to guarantee human rights and freedoms. ...
>
> "Ukraine, one of the founding States of the United Nations, in full accordance with the purposes and principles of the Charter of the United Nations, will conduct a foreign policy aimed at strengthening world peace and security and encouraging international cooperation in the solution of environmental, energy, food and other global problems. Ukraine's foreign policy will be based on the universally recognized principles of international law."

(Mr. Oudovenko, Ukraine)

I would like also to announce that on 8 December this year, in implementation of its newly acquired statehood, Ukraine signed an Accord on Commonwealth of Independent States with Belarus and Russia.

The Commonwealth is based on principles which in no way infringe the sovereignty of its parties. As before, Ukraine intends to pursue an independent foreign policy, which will be governed by our national interests.

The Community of independent States is open for accession by all Republics of the former Union of Soviet Socialist Republics as well as other States sharing the goals and principles of this Accord.

The members of the community intend to pursue the policy of strengthening international peace and security. They guarantee the fulfilment of international obligations arising for them out of the treaties and agreements of the former Soviet Union, and will also ensure unified control of nuclear weapons and their non-proliferation.

The maritime policy of Ukraine is bound to become one of the major elements of its foreign policy. The drawing up of my country's future maritime policy proceeds from the gecpolitical stance of Ukraine. As we become further aware of our national interest in the uses of the world's ocean resources, we must take into account such factors as the geographical location of Ukraine and its Black Sea coast, the availability of warm-water ports and its shipbuilding industry, the condition of its transportation network and its overall economic potential.

With its 52 million people, Ukraine is one of the most populous States of Europe. Its territory is larger than the territory of any Western or Eastern European country save that of Russia. Ukraine accounts for nearly one fifth of the industrial output and almost one quarter of the agricultural production of the Soviet Union.

(Mr. Oudovenko, Ukraine)

There are a number of well-equipped ports along the Ukrainian Black Sea coast, which, as I have said, are open throughout the year. Ukraine has a well-developed shipbuilding industry; a wide variety of vessels is launched from Ukrainian shipyards. Fishing vessels from Ukrainian ports are engaged in fishing activities in the waters of the Atlantic Ocean. Oceanographic ships of the Ukrainian Academy of Sciences conduct marine scientific research in different regions of the globe.

While implementing its maritime policy, Ukraine intends strictly to follow both the letter and spirit of the United Nations Convention on the Law of the Sea. In this connection we share the view of the Secretary-General:

> "The Convention provides the indispensable foundation for the conduct of States in all aspects of ocean space, its uses and resources, to such an extent that it has now become possible for States actively and confidently to consider building on its single and authoritative basis, recognizing the dynamic nature of international legal development. The unique role and status of the Convention is also a central consideration in facing issues where maritime and coastal State interests may conflict, and where the individual exercise of sovereign and jurisdictional rights may impinge upon the rights of the international community, as is becoming more evident in the field of marine environmental protection and conservation." (A/46/724, para. 2)

My delegation would like to express its deep appreciation to the Special Representative of the Secretary-General, Under-Secretary-General Satya Nandan, for the preparation of the lucid and comprehensive reports before us. These reports constitute an excellent source of information and provide us with a good basis for deliberations at this session.

(Mr. Oudovenko, Ukraine)

We largely share the views expressed in document A/46/724, especially those conclusions contained in chapter IV of part one on the protection and preservation of the marine environment and on the conservation and management of living marine resources. The Convention plays an important role in this field as an instrument for environmentally sustainable development.

We would also like to commend the United Nations Secretariat for the report on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas (A/46/615). It proved to be a solid contribution to the search for a solution to this important problem of the law of the sea and it served as a good basis for the debate on this issue in the Second Committee.

The report on the realization of benefits under the Convention in response to needs of States (A/46/722) aptly supplements the first report on this subject (A/45/712) presented last year. The two reports, when read together, present a global overview of the state of affairs with regard to the realization by States of the benefits under the Convention. It is indeed a broad review of national, regional and international perspectives and objectives, experiences and capabilities in this field.

(Mr. Oudovenko, Ukraine)

This report draws the conclusion that developing countries are often unable to benefit from the new opportunities because their capabilities and resources are limited or already committed to existing non-marine development sectors. It is obvious that one of the most important elements in the national policy development in this field is the acquisition of data and information related to basic oceanographic and marine resources. We share the view expressed in the report that:

> "The cooperation between the researching States and developing countries with respect to marine scientific research in the exclusive economic zones of the latter, incorporated in the Convention, can also be utilized for this purpose". (A/46/722, para. 188)

As I have already mentioned, Ukrainian ships conduct marine scientific research in the world's oceans. We will gladly discuss any suggestions regarding cooperation and joint research in this field.

The United Nations Convention on the Law of the Sea stands out as one of the major accomplishments of the efforts of the international community towards the codification and progressive development of international law. Besides being an extremely important legal instrument, the Convention is also a comprehensive programme of cooperation in the uses of the world's ocean resources. This programme should be implemented by means of the mechanisms of the United Nations. We need a broker who can effectively bring together those who need assistance in the marine field and those who can provide such assistance. The United Nations Office for Ocean Affairs and the Law of the Sea, under the able leadership of Under-Secretary-General Satya Nandan, could act as a catalyst in this process.

(Mr. Oudovenko, Ukraine)

Yesterday, the sixth round of the Secretary-General's informal consultations on outstanding issues relating to the deep-seabed-mining provisions of the United Nations Convention on the Law of the Sea was concluded. We have already pointed to the evident usefulness of these consultations at previous sessions of the General Assembly. The Secretary-General's initiative was undertaken in response to the invitation of the General Assembly to all States to make renewed efforts to facilitate universal participation in the Convention.

Consideration of the remaining four issues - production policy, a compensation fund, financial terms of contracts and environmental issues - has completed the examination of all core problems which inhibited some States from ratifying or acceding to the Convention. The consultations proved to be effective. A solid foundation has been laid for further negotiations. Now, the progress could be speeded up if the Secretariat were to prepare more precise and detailed drafts based on the approaches discussed at the consultations.

Commenting on the consultations last year, we expressed hope for the adequate representation of Eastern European States in this forum. We note with satisfaction that the next round of consultations will be open to all States that wish to participate. We believe in the ultimate success of these negotiations, which would allow a wide majority of countries, including Ukraine, to ratify or accede to the Convention.

The progress in these negotiations should greatly enhance the work of the Preparatory Commission for the Seabed Authority and the Law of the Sea Tribunal. The Preparatory Commission is approaching the final stage of its work. Efforts should be concentrated on the remaining outstanding issues.

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Special thought should be given to the completion of the drafting of the deep-seabed-mining code.

This year, as in years past, Ukraine co-sponsored the draft resolution on the agenda item "Law of the sea". This document is the result of complicated negotiations; it is drafted in a very positive way. We hope that at the present session it will receive no negative votes. In this connection, I note with great satisfaction a change in the position of the United States delegation.

Mr. ARAUJO CASTRO (Brazil): Brazil attaches particular importance to this debate in the General Assembly on the law of the sea. Nine years ago, when the United Nations Convention on the Law of the Sea was open for signature, the international community commemorated what was felt to be the successful conclusion of one of the most comprehensive, time-consuming and complex processes of diplomatic negotiation. Fifteen years earlier, a memorable speech made in the General Assembly by a man of vision, Ambassador Arvid Pardo of Malta, had presented to the world the idea that was to inspire this unprecedented effort by the United Nations.

For years, representatives of States large and small, powerful and vulnerable, rich and poor, coastal and land-locked, came from all parts of the world to meet in New York, Geneva and Caracas to discuss the many interrelated issues at stake, first in the Ad Hoc Committee to Study the Peaceful Uses of the Seabed and Ocean Floor beyond the Limits of National Jurisdiction, then in the Committee entrusted with the preparatory work for the Conference, and finally in the 11 sessions of the Third United Nations Conference on the Law of the Sea.

(Mr. Araujo Castro, Brazil)

In its 320 articles and 9 annexes, the United Nations Convention on the Law of the Sea, which was finally signed at Montego Bay on 10 December 1982, established a carefully negotiated set of legal norms and principles governing all forms of human activity in areas covering more than two thirds of our planet.

The Convention is a product of international understanding and cooperation that stands out as one of the most notable achievements in the history of the United Nations. It regulates subjects as diverse as, among many others, the rights of States in interior waters, in the territorial sea, in archipelagic waters, in the contiguous zone, in the exclusive economic zone, on the continental shelf, in straits used for international navigation and on the high seas; the definition of baselines and of the outer edge of the continental margin and the delimitation of marine spaces between States with adjacent or opposite coasts; innocent passage, transit passage and freedom of navigation; the rights of land-locked and geographically disadvantaged States; the conservation and management of living resources; the protection and preservation of the marine environment; marine scientific research and the development and transfer of marine technology; and the settlement of disputes. The Convention also establishes the regime for the area of the seabed and ocean floor beyond the limits of national jurisdiction and its resources, which are the common heritage of mankind.

It is unquestionably a valuable and extraordinary body of international law. In the words of Secretary-General Javier Perez de Cuellar on the occasion of the final session of the Conference at Montego Bay in December 1982:

(Mr. Araujo Castro, Brazil)

"This Convention is like a breath of fresh air at a time of serious crisis in international cooperation and of decline in the use of international machinery for the solution of world problems. Let us hope that this breath of fresh air presages a warm breeze from North to South, South to North, East to West and West to East, for this will make clear whether the international community is prepared to reaffirm its determination to find, through the United Nations, more satisfactory solutions to the serious problems of a world in which the common denominator is interdependence." (Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII, p. 135, para. 42)

Fifty-one instruments of ratification or accession have so far been deposited, and it is to be expected that we will soon reach the required number of 60, 12 months after which the United Nations Convention on the Law of the Sea will enter into force. But we cannot fail to be very seriously concerned at the fact that the majority of the Member States of the United Nations, including practically all developed States, have still not taken the decision to ratify or adhere to the Convention.

(Mr. Araujo Castro, Brazil)

Having signed and ratified the Convention after a very careful process of evaluation by the executive and legislative branches of Government, Brazil is committed to keeping the Convention alive. We are committed to preserving the integrity and the unified and equitable character of the legal regime it defines for the different areas and uses of the world's oceans. For that reason we are also strongly committed to promoting adherence by all States to the Convention. The participation of the entire international community is clearly necessary to ensure the effectiveness of the Convention's provisions.

In that connection, the Brazilian delegation wishes to express its recognition to the Secretary-General, Mr. Javier Perez de Cuellar, for the lead that he, as the depositary and custodian of the Convention, has taken in furthering its purposes and principles and in promoting the integrity of the Convention. The Secretary-General is to be congratulated in particular for the timely initiative he took last year to begin a process of dialogue among interested parties on what have been defined as "issues of concern to some States", with a view to achieving universal participation in the Convention.

As the interim period draws to a close and as we look forward to the entry into force of the Convention, the question of its universality acquires special significance. Since June 1990, considerable progress has been made in the dialogue conducted by the Secretary-General in identifying the issues which have hitherto inhibited certain States from ratifying or acceding to the Convention and in holding preliminary and informal discussions on the basic outlines of possible solutions for these problems.

Brazil has been taking part in that dialogue in a constructive spirit and on the understanding that, without prejudice to the positions of different delegations on specific issues, all delegations that are participating in the

(Mr. Araujo Castro, Brazil)

exercise accept the fundamental principles underlying the Convention. It is our understanding in particular that all those delegations without exception accept the principle that the Area and its resources are the common heritage of mankind.

As recognized in the draft resolution we have before us in document A/46/L.44, recent political and economic changes underscore the need to re-evaluate certain aspects of the international sea-bed regime. But those changes do not invalidate the principle, stated in the preamble of the Convention, that the problems of ocean space are closely interrelated and need to be considered as a whole. The Convention is not a patchwork of regulations. It is a carefully constructed and drafted comprehensive international legal regime which was negotiated by consensus and whose intricate balance must be preserved.

The principle of the common heritage of mankind rules out any appropriation of the Area or its resources and should be understood in terms of the collective management of resources for the benefit of mankind as a whole. The principle of the common heritage implies an institutional and regulatory framework in which States will cooperate to ensure the equitable management of the resources of the Area.

Creative forms of interpretation and implementation of the basic provisions of part XI of the Convention may hold out the prospect for devising an institutional framework that is effective and not onerous and is an appropriate regulatory framework for the activities of the International Sea-Bed Authority and of investors. It is to be expected that the ongoing discussion in the Preparatory Commission on the draft rules and regulations of the Authority will yield fruitful results.

(Mr. Araujo Castro, Brazil)

The vitality of the Preparatory Commission has once again been borne out by the registration at the resumed ninth session of the sixth pioneer investor under resolution II of the Third United Nations Conference on the Law of the Sea. Interest in the benefits of the parallel system as envisaged in the Convention has clearly not abated. Its application in the interim period has resulted in elaborate and far-reaching understandings concerning the cooperative and rational management of non-renewable natural resources spread out over vast areas beyond the limits of national jurisdiction.

The importance of the Preparatory Commission as a negotiating forum has also been attested to by the ongoing discussion on the draft rules and regulations on prospecting and exploration for and exploitation of polymetallic nodules in the Area. The successful outcome reached at the last Kingston session on the draft regulations on accommodation of activities in the Area and other activities on the high seas is a case in point. It proved possible for the first time to reach agreement on a significant portion of the draft mining code. The ultimate consolidation of the various contractual obligations and production policies provided for in part XI and annex III of the Convention should offer an opportunity for bridging the gap between the different interests at stake.

Credit for the successful work of the Preparatory Commission is due to a large extent to the fact that we have been fortunate to benefit from the experience, the dedication and the diplomatic skill of its Chairman, Ambassador Jose Luiz Jesus, the representative of a country, Cape Verde, with such a strong maritime vocation.

(Mr. Araujo Castro, Brazil)

Brazil is among the sponsors of the draft resolution on the Law of the Sea, which was introduced this morning by the Chairman of the Preparatory Commission. The consultations held this year have made it possible to accommodate the concerns of some States which have had difficulties with certain provisions of our annual draft resolution on this subject. It is to be expected that the conciliatory attitude on the part of the sponsors will result in a greater commitment by all parties concerned to the comprehensive legal regime contained in the Convention, whatever doubts they may harbour about specific aspects of the Convention or about the ways and means of their implementation. We would also expect that by next year our draft resolution on this subject might finally be approved by consensus.

Such a development would be greatly facilitated if, as we hope, the Secretary-General-elect, Mr. Boutros Boutros Ghali, decides to carry on the process initiated last year, which has provided a good basis for further consultations with a view to the promotion of universal participation in the United Nations Convention on the Law of the Sea. We would also expect that informal dialogue to go beyond its present exploratory and preliminary stage and move closer to what might be described as a negotiating mode.

In this context, we would favour, as suggested in paragraph 20 of the report of the Secretary-General (A/46/724), the widening of the participation of Member States in the consultations conducted by the Secretary-General in order to enable all interested States to take part in them. In that process we should also bear in mind the need to maintain the proper coordination with the work of the Preparatory Commission.

(Mr. Araujo Castro, Brazil)

Before I conclude, I wish to offer a very special word of recognition to the Special Representative of the Secretary-General for the Law of the Sea, Under-Secretary-General Satya Nandan, for the central role he and his staff have played so competently in the conduct of the dialogue promoted by the Secretary-General and for their ongoing work in monitoring and analysing developments related to the Convention as well as in providing assistance to Member States and international organizations in the implementation of its provisions.

Mr. WILENSKI (Australia): Recent events concerning the United Nations Convention on the Law of the Sea have included a degree of dialogue and cooperation not witnessed since the adoption of the Convention in 1982. Australia welcomes the progress that has been made in the course of this year. We reaffirm our commitment to our common objective of the establishment of a universal legal order for the world's oceans.

Australia also welcomes the Secretary-General's report on the law of the sea as a comprehensive chronicle of the year's events and commends the Office for Ocean Affairs and the Law of the Sea, under Under-Secretary-General Satya Nandan, for its effective work in all areas of marine affairs.

Australia particularly supports the recognition in this year's draft resolution of the fact that there have been political and economic changes in the course of the decade which has elapsed since the adoption of the Convention on the Law of the Sea.

(Mr. Wilenski, Australia)

Australia believes that these changes should be taken into account in our attempts to reach our common goal of universality. At the same time, we remain committed to the principles which have guided our deliberations thus far, including the common-heritage principle with regard to the international seabed area beyond the limits of national jurisdiction.

In this context, Australia wishes to add its voice to the expression of appreciation in the resolution for the efforts of the Secretary-General in convening consultations aimed at addressing issues of concern to some States in order to achieve universal participation in the Convention. These consultations have played a crucial role in creating an atmosphere in which the chances of universal participation in the Convention have been improved significantly.

Australia looks forward to continuing progress in the Secretary-General's consultations in the coming year. We wholly support the wish expressed by the Secretary-General in his report on the law of the sea to widen participation in the consultations in order to enable all interested States to take part. We trust that all interested States will participate with open minds and good will to explore and settle mechanisms through which universal participation in the Convention can be satisfactorily achieved. We would very much like to see the Secretary-General's initiative quickly rewarded with definitive results.

Australia also welcomes the progress achieved in the law of the sea Preparatory Commission in the course of the last year, particularly the registration of two new pioneer investors. This is a further indication of the preparedness of States to seek and achieve agreement on issues which at

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times appeared insoluble. Australia remains committed to further progress in the Preparatory Commission through its active involvement in the work of this body.

We are also pleased to note the new language in this year's resolution which stresses the need for States to cooperate in conserving marine living resources. With the importance now attached to environmental issues, it is particularly appropriate that by this language we recall the central role of the Law of the Sea Convention in providing a framework for the protection and preservation of the marine environment.

Australia's support for the Convention as a whole and the achievement of universal participation has been underlined by its steady implementation of Convention provisions in domestic legislation. Last year Australia established a 12-nautical-mile territorial sea. This year the Australian Government decided to establish an Australian exclusive economic zone, to redefine Australia's continental shelf and to establish a contiguous zone. Legislation is being prepared to implement these measures in a manner consistent with the terms of the Law of the Sea Convention.

These measures emphasize the fact that the Law of the Sea Convention deals with matters which go far beyond those that are of concern to some States with regard to the deep seabed mining regime. Universal participation in the Law of the Sea Convention will provide a stable regulatory framework for all aspects of ocean space, which must be in the interests of all States.

Considerable good will has been displayed by all parties concerned during the course of coming to agreement on wording for this resolution. Australia welcomes the movement that has been achieved. We believe that this has

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substantially improved the general atmosphere, paving the way for progress on a range of issues which need to be addressed in the coming year in order to further our goal of universal participation in the Convention.

Mrs. SYAHRUDDIN (Indonesia): On behalf of the Indonesian delegation, I should like to express our deep appreciation to the Special Representative of the Secretary-General, Mr. Satya Nandan, for the comprehensive reports on the law of the sea and to his staff for their effective work. All this provides us with a useful source of information to discuss the substantive issues at this current session.

From the outset, Indonesia recognized the overriding importance of developing a universally accepted legal order for the oceans. It was paramount for us, as an archipelagic nation, to seek a regime which would promote our national unity, political stability and economic and social development as well as national defence and security. The 1982 Convention on the Law of the Sea is significant as it is the first comprehensive treaty governing all aspects of the various uses of the oceans and their resources. My delegation is therefore convinced that the Convention's importance should strengthen cooperation among States to secure its universality in this realm for our common future.

The report of the Secretary-General (A/46/724) of 5 December 1991 outlines a comprehensive and factual account of the progress made during the year. We should like to avail ourselves of this opportunity to pay a tribute to the Secretary-General for his initiative designed to ensure univeral participation in the 1982 Law of the Sea Convention. In this connection, it is pertinent to note that informal consultations have been held during 1991

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concerning some of the contentious issues which have inhibited some States from ratifying or acceding to the Convention.

Indonesia has been pleased to participate in those informal consultations which provide a good basis to reach a satisfactory outcome. We are pleased to note that the Secretary-General has consolidated all the viewpoints set forth in the informal consultations, in order to make possible the wider participation of interested parties.

As regards the protection and preservation of the marine environment, my delegation looks forward to the completion of the updated version to be issued in 1992, of the 1989 report on the Protection and Preservation of the Marine Environment. As we are all aware, even though there is a wide body of laws to protect and preserve the environment, the marine habitat continues to be subjected to the serious threat of pollution. In this context, we welcome the finalizing of the guidelines of the Marine Environmental Protection Committee of the International Maritime Organization (IMO), which would designate sensitive and special areas of marine protected areas.

On the strengthening and integration of regimes for maritime safety and pollution prevention, my delegation is pleased to note that progress has been made by the adoption of rules and guidelines concerning ship safety and prevention of pollution.

Equally important are the conservation and the management of living marine resources. The Secretary-General's report points out some alarming facts of the status and trends in world fisheries. In 1990 the Food and Agriculture Organization of the United Nations (FAO) provided us with data that are still relevant today. Over exploitation of fishery resources gives

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us cause for concern. The report identifies the areas for improvement at all levels, including nationally and internationally, and in all aspects - law and policy, economic planning, technological development, scientific research and information and data systems.

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Pursuant to General Assembly resolution 45/197 of 21 December 1990, it was recommended inter alia that a moratorium should be imposed on all large-scale pelagic drift-net fishing by 30 June 1992, that immediate action should be taken to reduce such fishing activities and that further expansion of such practices should cease immediately. It is pertinent to mention in this regard that there is now a globally acceptable length of definition of 2.5 kilometres for a large-scale drift-net. This definition was adopted by the European Community Council of Fisheries Ministries. In implementation of resolution 45/197, Indonesia was one of the countries that swiftly adopted legislation by issuing a decree that the use of large-scale drift-net fishing within its exclusive economic zone should not exceed 2.5 kilometres.

My delegation would like to commend the Chairman of the Preparatory Commission, Ambassador Jose Luis Jesus of Cape Verde, for the skill and patience with which he conducted the long and difficult negotiations last year to arrive at an understanding on the fulfilment of obligations by registered pioneer investors and their certifying States. We are encouraged to note that the Preparatory Commission provides a forum in which States can exchange diverse views to develop ideas in order to reach an acceptable solution aimed at securing universal participation in the Convention. This demonstrates that mutual cooperation, good will and understanding can go a long way towards arriving at a mutually acceptable agreement on deep-seabed mining. We welcome the approval by the General Committee of the applications submitted by the People's Republic of China on behalf of the China Ocean Mineral Resources Research and Development Association (COMRA) and by the Governments of Bulgaria, Cuba, Czechoslovakia, Poland and the USSR.

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With regard now to the activities of the Office for Ocean Affairs and the Law of the Sea, the General Assembly in its resolution 45/253 of 21 December 1990 adopted a new medium-term plan for the period 1992-1997. That plan provides for the implementation of a programme of activities encompassing legal, political, economic, environmental, scientific and technical aspects of the Convention on the Law of the Sea to assist States in implementing the Convention.

As the report of the Secretary-General indicates, the Office for Ocean Affairs has rendered invaluable support to developing countries by providing advice and assistance, conducting special studies on the various provisions of the Convention, granting training and fellowships, and publishing numerous bulletins, annual reviews and directories. Indonesia wishes to express its sincere appreciation to the Office of Ocean Affairs for all these endeavours, especially for its efforts to assist developing countries in updating their national legislation and in integrating policy with development plans.

Finally, Indonesia takes great pleasure in jointly sponsoring the draft resolution before the General Assembly. The draft resolution reflects the intensive negotiations and painstaking efforts of the past few months. It is truly encouraging to note that the draft resolution before us offers a unique opportunity to all members to reappraise their positions on the Convention. In this regard, we hope every effort will be made to facilitate dialogue and thus to secure universal participation in the Convention. All of mankind stands to benefit from the implementation of this historic Convention, the product of comprehensive negotiations over the years.

It is against this backdrop that we urge all States to ratify or accede to the Convention on the Law of the Sea in order to hasten its early entry

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into force. Furthermore, universal support for the Decade of International Law highlights the importance of the development and codification of international law. In this light the Convention assumes even greater significance as it develops and codifies norms of the law of the sea. We should therefore seize the opportunity at hand, and Indonesia reiterates its firm commitment to work towards this end.

The meeting rose at 12.45 p.m.